

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

TRAVELERS INDEMNITY COMPANY,
et al.,

Plaintiffs,

v.

NORTHROP GRUMMAN CORPORATION *et al.*,
Defendants,

and

CENTURY INDEMNITY COMPANY,
Eventual successor in interest to
INSURANCE COMPANY OF
NORTH AMERICA,

Nominal Defendant.

Civil Action No. 12-CV-3040 (KBF)

**DECLARATION OF
SHANE R. HESKIN**

ECF CASE

I, Shane R. Heskin, declare as follows pursuant to 28 U.S.C. § 1746:

1. I am an attorney at the law firm of White and Williams LLP, counsel to Defendant Century Indemnity Company (“Century”). I am a member in good standing of the bars of the State of New York and the Commonwealths of Pennsylvania and Massachusetts. This Declaration is submitted in support of Century’s Motion for Summary Judgment on the Bethpage Water District Claim.

2. I have personal knowledge of the facts set forth in this Declaration, which I make to place before the Court documents relevant to its determination of Century’s Motion for Summary Judgment.

3. Attached hereto as Exhibit 1 is a true and correct copy of a Letter from Fred Biele to Stanley Barker, dated April 24, 1950.

4. Attached hereto as Exhibit 2 is a true and correct copy of the Letter from John McCabe to Arthur Johnson, dated May 26, 1955.

5. Attached hereto as Exhibit 3 is a true and correct copy of the Decision of the State of New York Department of Conservation Water Power and Control Commission, dated July 12, 1955.

6. Attached hereto as Exhibit 4 is a true and correct copy of the Health Department Memorandum, Summary of Groundwater Quality-Grumman Aerospace Corporation, dated November 5, 1975.

7. Attached hereto as Exhibit 5 is a true and correct copy of the Memorandum from Geraghty & Miller to John Ohlmann, dated June 25, 1976.

8. Attached hereto as Exhibit 6 is a true and correct copy of The Water Story, Compendium of Newspaper Articles, dated November 27, 1976 to January 18, 1977.

9. Attached hereto as Exhibit 7 is a true and correct copy of the News Board, dated November 29, 1976.

10. Attached hereto as Exhibit 8 is a true and correct copy of the Notes of Geraghty & Miller, dated December 9, 1976.

11. Attached hereto as Exhibit 9 are true and correct excerpts of the Deposition Transcript of Robert Jasinkonis, dated October 5, 1995.

12. Attached hereto as Exhibit 10 is a true and correct copy of the Letter from Larry Leskovjan to the NYDEC, dated July 25, 2002.

13. Attached hereto as Exhibit 11 are true and correct excerpts of the Record of Decision for OU3, dated Mar. 2013.

14. Attached hereto as Exhibit 12 is a true and correct copy of the Report to Grumman Aerospace Corporation, dated January 5 1978.

15. Attached hereto as Exhibit 13 is a true and correct copy of the Letter from John Molloy to Robert Glasser, dated April 27, 1978.

16. Attached hereto as Exhibit 14 is a true and correct copy of the Grumman and Long Island's Groundwater Presentation, dated March 18, 1982.

17. Attached hereto as Exhibit 15 is a true and correct copy of the Initial Assessment Study of NWIRP and Calverton, dated December 1986.

18. Attached hereto as Exhibit 16 is a true and correct copy of the Chronological Record of the Bureau of Water Resources' Investigation of Groundwater Contamination, dated January 5, 1988.

19. Attached hereto as Exhibit 17 is a true and correct copy of the Notes from a Meeting of Grumman Corp., dated August 16, 1989.

20. Attached hereto as Exhibit 18 is a true and correct copy of the Compendium of Settlement Agreements and Amendments between the Bethpage Water District and Grumman.

21. Attached hereto as Exhibit 19 is a true and correct copy of Record of Decision for OU2, dated March 2001.

22. Attached hereto as Exhibit 20 is a true and correct copy of the Emails between John Cofman and Kent Smith, dated March 15-16, 2011.

23. Attached hereto as Exhibit 21 is a true and correct copy of the State of Oregon Department of Environmental Quality Fact Sheet "Groundwater Basics for Drinking Water Protection."

24. Attached hereto as Exhibit 22 are true and correct excerpts of the Deposition Transcript of Michael Wolfert, dated May 21, 2013.

25. Attached hereto as Exhibit 23 are true and correct excerpts of the Deposition Transcript of William Kovarik, dated May 24, 2013.

26. Attached hereto as Exhibit 24 is a true and correct copy of the Gentech Comparison to Trichloroethylene TCE Webpage at Technical Physical Properties.

27. Attached hereto as Exhibit 25 is a true and correct copy of the Excess Liability Policy No. XPL-3506.

28. Attached hereto as Exhibit 26 is a true and correct copy of the Excess Liability Policy No. XBC-1177.

29. Attached hereto as Exhibit 27 is a true and correct copy of the Exemplar Century Primary Policy for the period 1955-56.

30. Attached hereto as Exhibit 28 is a true and correct copy of the Letter from J. Morgese to Steve Boccia, dated June 14, 1989.

31. Attached hereto as Exhibit 29 is a true and correct copy of the Compendium of Policy Searches.

32. Attached hereto as Exhibit 30 is a true and correct copy of the Letter from Jonathan Sokol to Bob Russell, dated June 11, 2010.

33. Attached hereto as Exhibit 31 is a true and correct copy of the Letter from Robert Russell to Michele Pierro, dated March 3, 2011.

34. Attached hereto as Exhibit 32 is a true and correct copy of the Letter from Jonathan Sokol to Bob Russell, dated February 3, 2012.

35. Attached hereto as Exhibit 33 is a true and correct copy of the Letter from Jonathan Sokol to Bob Russell, dated March 19, 2012.

36. Attached hereto as Exhibit 34 is a true and correct copy of the Letter from Seth Park to Jonathan Sokol, dated March 26, 2012.

37. Attached hereto as Exhibit 35 is a true and correct copy of the Email from Brad Bartholomew to Robert Russell, dated April 19, 2012.

38. Attached hereto as Exhibit 36 is a true and correct copy of the Letter from Jens Fog to Brad Bartholomew, dated May 21, 2012.

39. Attached hereto as Exhibit 37 is a true and correct copy of the Answer and Affirmative Defenses of Nominal Defendant Century Indemnity Company, dated June 8, 2012.

40. Attached hereto as Exhibit 38 are true and correct excerpts of the Deposition Transcript of Brad Bartholomew, dated May 5, 2013.

41. Attached hereto as Exhibit 39 are true and correct excerpts of the Deposition Transcript of Robert Russell, dated May 13, 2013.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Executed on June 3, 2013 in Philadelphia, Pennsylvania.


